



Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** October 11, 2022

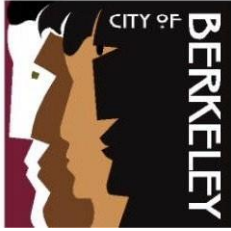
**Item Number:** 1

**Item Description:** Appointment of Director of Police Accountability

**Submitted by:** City Manager

Most of the information in the report still pertains, and the resolution has been updated. The new information highlights the fact that this position is a council appointment and subject to the conditions of an employment contract.

This item removes the existing companion report and replaces it with this updated version.



Office of the City Manager

CONSENT CALENDAR

October 11, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: LaTanya Bellow, Deputy City Manager, City Manager's Office  
Subject: Appointment of Director of Police Accountability

RECOMMENDATION

Adopt a Resolution ~~confirming~~ approving the appointment of Hansel Aguilar to be the Director of Police Accountability and approving an employment contract to be effective October 24, 2022 at an annual salary of \$200,000.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for the Director of Police Accountability are included in the FY 2023 and FY 2024 Adopted Budget for the Office of the Director of Police Accountability. The annual salary for Hansel Aguilar is \$200,000, which is within the salary range for the position that was approved by City Council on May 25, 2021.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to Resolution 69,531-N.S. that was adopted by the City Council on July 28, 2020, city staff has taken the following action so that the Police Accountability Board can commence its work on July 1, 2021:

- Issued an application to solicit community interest in the Police Accountability Board ("Board") and on June 1, 2021, the Mayor and City Council adopted Resolution 69,916-N.S. consisting of appointments of the nine (9) members to the Board.
- On May 25, 2021, the City Council adopted Resolution amending Resolution 69,538-N.S. to establish the unrepresented classification of Director of Police Accountability with a monthly salary range of \$11,862.93 - \$17,794.40, effective May 25, 2021.

The Human Resources Department hired a consultant agency Bret Byers Group to conduct a nationwide search for the Director of Police Accountability. As a result, Hansel Aguilar was selected. The search for the Director of Police Accountability for the City of Berkeley, began in earnest in the spring of 2022 following an extensive community engagement process. The position profile was developed with input from a wide range of key stakeholders was published April of 2022. The search was national in scope and

resulted in receiving 17 applications which were reviewed initially by the executive search firm. The initial screening review resulted in 11 competitive candidates which were presented to the City Manager and Deputy City Manager. The City Manager and Deputy City Manager review process resulted in the pool of potential candidates being narrowed to 6 semi-finalists who were then interviewed by two different panels: a community panel and a panel of technical experts. The results of those interviews were a recommendation to the City Manager and City Attorney to interview ultimately 5 semi-finalists. The City Manager recommended a total of five candidates to be interviewed by the City Council. Those interviews occurred in July of 2022 and September of 2022. The result was a finalist who is being announced October 11, 2022. His bio follows.

Mr. Aguilar is well qualified to serve as the City's Director of Police Accountability. Hansel Aguilar has considerable civilian oversight and criminal justice experience including serving as a law enforcement officer in Northern Virginia, as an in-house misconduct investigator for a youth development non-profit in Northern Virginia, a misconduct investigator at the D.C. Office of Police Complaints (OPC), an inaugural member of the Fairfax County Police Civilian Review Panel (PCRP), a member of the George Mason University Police Advisory Board Implementation Committee and serving as the first Executive Director of the City of Charlottesville Police Civilian Oversight Board (PCOB), formerly known as the Police Civilian Review Board. His career in public service also includes experience in the non-profit sector and governmental arena. Specifically, he has served as an intake paralegal for various legal aid agencies, as an AmeriCorps Volunteer, a volunteer manager for a Virginia area non-profit, site manager for a non-profit, day-labor center, and as a Partnership Specialist with the U.S. Census Bureau.

As a practitioner of civilian oversight, Mr. Aguilar has been an active participant and contributor to the National Association of Civilian Oversight of Law Enforcement (NACOLE). He has collaborated in the NACOLE Review, as a moderator and presenter at various annual conferences and a subcommittee member supporting various NACOLE initiatives. Mr. Aguilar holds a B.A. in Criminal Justice and Sociology from Rutgers University and a Master of Arts degree in Sociology from George Mason University where he is currently a PhD candidate disserting. His research interests lie primarily in the intersection of transnationalism, crime and human rights.

## BACKGROUND

In 1973, a ballot measure was adopted to establish a Police Review Commission for the community to participate in setting Police Department policies, practices, and procedures and to provide a means for investigation of complaints against sworn employees of the Police Department. The existing Police Review Commission consists of nine (9) commissioners that are appointed by the Mayor and City Council, and is supported by three (3) full-time equivalent employees.

On November 3, 2020, Berkeley voters adopted Measure II, a Charter Amendment that established the Office of the Director of Police Accountability that consists of a new position, Director of Police Accountability, and the Police Accountability Board. The Police Accountability Board replaces the existing Police Review Commission.

Pursuant to Measure II, the purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department. The Director of Police Accountability, a position to be filled by the City Council at a noticed public meeting, is responsible for investigating complaints filed against sworn employees of the Berkeley Police Department, carrying out the work of the Police Accountability Board, and overseeing the day-to-day operations of the Office of the Director of Police Accountability, amongst other responsibilities as outlined in Measure II. Both the Police Accountability Board and Director of Police Accountability are independent of the City Manager, except for administrative purposes, and report to the Mayor and City Council.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts from the action being requested by City Council.

#### RATIONALE FOR RECOMMENDATION

Mr. Aguilar has an extensive background in civilian police oversight and public administration and as a long-standing employee with the City of Charlottesville.

As a practitioner of civilian oversight, Mr. Aguilar has been an active participant and contributor to the National Association of Civilian Oversight of Law Enforcement (NACOLE). He has collaborated in the NACOLE Review, as a moderator and presenter at various annual conferences and a subcommittee member supporting various NACOLE initiatives. He was a candidate for the at-large Board member position in the 2022 NACOLE election, but did not receive the votes to secure the position.

Mr. Aguilar holds a B.A. in Criminal Justice and Sociology from Rutgers University and a Master of Arts degree in Sociology from George Mason University where he is currently a PhD candidate disserting. His research interests lie primarily in the intersection of transnationalism , crime and human rights. He is well qualified to assume the responsibilities of the Director of Police Accountability.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Latanya Bellow, City Manager, City Manager's Office, (510) 981-7012

Attachments:

1: Resolution

RESOLUTION NO.

APPOINTMENT OF HANSEL AGUILAR AS DIRECTOR OF POLICE  
ACCOUNTABILITY

WHEREAS, Section 125 of the City Charter provides that the Director of Police Accountability shall be appointed by the City Council to implement Measure II adopted on November 3, 2020, oversee the operations of Office of the Director of Police Accountability and carryout the work of the Police Accountability Board; and

WHEREAS, Hansel Aguilar has an extensive background in civilian police oversight and public administration and has been an active participant and contributor to the National Association of Civilian Oversight of Law Enforcement; and

WHEREAS, Mr. Aguilar received a B.A. in Criminal Justice and Sociology from Rutgers University and a Master of Arts degree in Sociology from George Mason University where he is currently a PhD candidate disserting; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council it hereby appoints ~~confirms the City Manager's recommendation of~~ Hansel Aguilar as the Director of Police Accountability effective October 24, 2022, on the terms and conditions set forth in the contract attached hereto as Exhibit A., ~~with an annual salary of \$200,000 on the same terms and conditions as other, regular at will employees to be effective October 24, 2022.~~ Exhibit A: Agreement by and between the City of Berkeley and Hansel Aguilar